

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

CV 10 5269

Claim No.: 2010A79781

Civil Action No.:

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ NOV 16 2010 ★

UNITED STATES OF AMERICA

§
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§
§
§

(S.F.)

vs

§
§
§

LONG ISLAND OFFICE

Debra Tornabell

WEXLER, J.

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

The United States of America, plaintiff, alleges that:

Jurisdiction

1. This Court has jurisdiction over the subject matter of this action pursuant to Article III, Section 2, U.S. Constitution and 28 U.S.C. § 1345.

Venue

2. The defendant is a resident of Suffolk County, New York within the jurisdiction of this court and may be served with service of process at 1076 Coates Avenue # 574 Holbrook, NY 11741-2419.

The Debt

3. The debt owed the USA is as follows:

A. Current Principal (after application of all prior payments, credit, and offsets)	\$ 31,320.29
B. Current Capitalized Interest Balance and Accrued Interest	\$ 4,970.47
C. Administration Fee, Costs, Penalties	\$ 0.00
D. Credits previously applied (debtor payments, Credits, and offsets)	\$ 0.00
E. Attorneys fees	\$ 0.00
Total Owed	\$ 36,769.10

The Certificate of Indebtedness, attached as Exhibit "A", shows the total owed excluding Attorney's fees and CIF charges. The principal balance and the interest balance shown on the Certificate of Indebtedness is correct as of the date of the Certificate of Indebtedness after application of all prior payments, credits, and offsets. Prejudgment interest accrues at the rate 2.470 % per annum.

Failure to Pay

4 Demand has been made upon the defendant for payment of the indebtedness, and the defendant has neglected and refused to pay the same.

WHEREFORE, USA prays for judgment:

A. For the sum set forth in paragraph 3 above, plus prejudgment interest through the date of judgment, all administrative costs allowed by law, and post-judgment interest pursuant to 28 U.S.C. § 1961 that interest on the judgment be at legal rate until paid in full;

B. For attorneys' fees to the extent allowed by law and,

C. For such other relief which the Court deems proper.

Respectfully submitted,


By: _____
Solomon and Solomon, P.C.
Douglas M Fisher (DF 3129)
Attorney for Plaintiff
NYC DCA (1254943)
Five Columbia Circle
Albany, NY 12203
Tel. (800) 233-7515
Fax. (518) 456-0653

This is an attempt to collect a debt. Any information obtained will be used for that purpose.
This is a communication from a debt collector. Calls are randomly monitored and may be
recorded for quality assurance.

**U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA**

CERTIFICATE OF INDEBTEDNESS #2 OF 2

Debra Tornabell
1076 Coates Ave # 574
Holbrook, NY 11741-2419
Account No. XXXXX7782

I certify that U.S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 07/13/10.

On or about 11/02/99, the borrower executed master promissory note(s) to secure loan(s)¹ (hereafter "loan") from the U.S. Department of Education. This loan was disbursed for \$2,000.00, \$2,625.00, \$5,500.00, \$5,000.00 and \$10,658 on 10/26/99, 06/26/00- 01/31/00, 06/26/00- 01/29/01, 6/26/00- 01/29/01 and 10/09/01, at a variable rate of interest to be established annually. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et seq. (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the borrower defaulted on the obligation on 12/09/06. Pursuant to 34 C.F.R. § 685.202(b), a total of \$3,205.67 in unpaid interest was capitalized and added to the principal balance.

The Department has credited a total of \$4,419.80 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$28,571.15
Interest:	\$ 4,970.47
 Total debt as of 07/13/10:	 \$33,541.62

Interest accrues on the principal shown here at the current rate of 2.47 percent and a daily rate of \$1.93 through June 30, 2011, and thereafter at such rate as the Department establishes pursuant to Section 455(b) of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087e.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 8/16/10



Peter La Roche
Loan Analyst
Litigation Support

**Peter La Roche
Loan Analyst**

¹ To be used for loan(s) with master promissory note.

**U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA**

CERTIFICATE OF INDEBTEDNESS #1 OF 2

Debra Tornabell
1076 Coates Ave # 574
Holbrook, NY 11741-2419
Account No. XXXXX7782

I certify that U.S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 07/13/10.

On or about 09/11/98, the borrower executed promissory note(s) to secure loan(s) of \$5,500.00 from the U.S. Department of Education. This loan was disbursed for \$2,750.00 on 10/19/98-12/26/98, at a variable rate of interest to be established annually. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et seq. (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the borrower defaulted on the obligation on 12/09/06. Pursuant to 34 C.F.R. § 685.202(b), a total of \$274.39 in unpaid interest was capitalized and added to the principal balance.

The Department has credited a total of \$689.35 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$2,749.14
Interest:	\$ 478.34
Total debt as of 07/13/10:	\$3,227.48

Interest accrues on the principal shown here at the current rate of 2.47 percent and a daily rate of \$0.19 through June 30, 2011, and thereafter at such rate as the Department establishes pursuant to Section 455(b) of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087e.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 8/16/10



Loan Analyst
Litigation Support

**Peter La Roche
Loan Analyst**

